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EXAMINER JACKSON, JENISE E				
ART UNIT 2439		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

# Office Action Summary

**Application No.**

10/567,505

**Applicant(s)**

TAKASHIMA ET AL.

**Examiner**

JENISE E. JACKSON

**Art Unit**

2439

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 44-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/200)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 44-63 are rejected under 101 for claiming non-statutory subject matter. Claims 44-63 are rejected under 35 U.S.C. 101 for “an information recording medium”.

3. The USPTO is obliged to give claims their broadest reasonable interpretation consistent with the specification. See *In re Zletz*, 893 F.2d 319(Fed. Cir. 1989). The broadest reasonable interpretation of a claim drawn to an information recording medium typically covers forms of non-transitory tangible media and transitory propagating signals per se in view of the ordinary and customary meaning of a medium. See MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal per se, the claim must be rejected under 35 U.S.C. 101. See *In re Nuijten*, 500 F.3d 1346, 1356-57(Fed. Cir. 2007). The claims should be amended to include a non-transitory information recording medium.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 44-54, 64-69, 74-79, 84-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benaloh(2005/0065890) in view of Kang(2008/0253734) and further in view of Getsin et al(6,529,949).
6. As per claim 44, 64, 74, 84-85, Benaloh discloses a plurality of different individual content management units[i.e. partitioning of content, 0061], at least one of the plurality of different content management units including encryptable data(see fig. 9 sheet 9)[0064] corresponding to: (i) at least one content file, the content file including at least one of a data file(i.e. clip) reproducible by an information processing apparatus and a program file executable by the information processing apparatus; a content reproduction processing program file[0061], and (ii), a plurality of different, individual unit keys[0063], each one of said plurality of unit keys associated with at least one of the content management units, wherein for at least one of the content management units, said encryptable data of said content management unit is encrypted based on the unit key associated with said content management unit[0063-0064]; and (c) a plurality of instructions which when executed by the information processing apparatus, cause the information processing apparatus, for one of the plurality of content management units, to: (i) determine if the encryptable data of the content management unit is encrypted data; and (ii) if the encryptable data of the content management unit is encrypted data: (A) decrypt the encrypted data of the content management unit based on the unit key associated with the content management unit[0070, 0074]; and(B) after decrypting the encrypted data of the content management unit, cause at least one of: the data file of the content management unit to be reproduced; and (2) the program file of the content management unit to be executed[0074].

7. Benaloh is silent on a content reproduction section specification file, and a content reproduction processing program file. Kang discloses a content reproduction section specification file(i.e. playlist), and a content reproduction processing program file(i.e. movie object)[0018, 0040, 0045, 0051]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a content reproduction section specification file, and a content reproduction processing program file of Kang with Benaloh, because both are analogous in the art of copy protection, it would have been obvious to include a movie object on a medium that has a playlist, the motivation is that a DVD has clips that corresponds to a recording cell that is a recording unit and the playlist and the playitem correspond to a program and a reproducing cell that are reproduction units, thus the playlist that is linked to playitems is a portion of a clip that indicates starting and finishing times of reproduction in clip[0040-0041 of Kang].
8. Benaloh and Kang are silent for an application index file and an application execution file. Getsin et al. discloses an application index file(i.e. title) and an application execution file(see col. 31, lines 1-11, 18-29). It would have been obvious to one of ordinary skill in the art at the time of the invention to include an application index file and an application execution file of Getsin with Benaloh-Kang combination, all three are analogous in the art of copy protection, the motivation to include an application index file(i.e. title) and an application execution file of Getsin with Benaloh-Kang combination is that each portion of video to be unlocked can be authored into a separate title, thus when the consumer is allowed to unlock the video the video can be played(see col. 31, lines 1-11, 18-29 of Getsin).
9. As per claim 45, Benaloh discloses wherein at least one of the content management units includes: (i) encryptable data of the content file, and (ii), and wherein, when executed by the

information processing apparatus, the plurality of instructions cause the information processing apparatus, for one of the plurality of content management units, to: determine a designated one of the content management units and a designated one of the unit keys[0055, 0063-0064].

10. Same Motivation as above. Benaloh discloses encryptable data of the content file[0064]. However, Benaloh is silent on; however, Kang discloses data corresponding to index(i.e. start and stop times[0040]. Benaloh nor Kang disclose; however, Getsin discloses information is title information(see col. 31, lines 1-11, 18-29).

11. Same Motivation as above. As per claim 46, Benaloh does not disclose; however, Kang discloses wherein the index information is displayable to a user[0040]. Benaloh nor Kang discloses; however, Getsin discloses wherein said title information is displayable to a user(see col. 31, lines 1-25, 30-35).

12. As per claim 47, Benaloh discloses wherein at least one of the content management units includes encryptable data corresponding to at least one of a plurality of different content reproduction processing program files(i.e. entire move)[0061], and wherein, when executed by the information processing apparatus, the plurality of instructions cause the information processing apparatus, for one of the plurality of content management units, to cause a selection of one of the plurality of content reproduction processing program files to be executed by the information processing apparatus, determine a designated one of the content management units and a designated one of the unit keys associated with the designated content management unit based management section of the content reproduction processing program file[0061, 0063-0064].

13. As per claim 48, Benaloh discloses wherein at least one of the content management units includes encryptable data, and when executed by the information processing apparatus, the plurality of instructions cause the information processing apparatus, for one of the plurality of content management units, to: and determine a designated one of the content management units and a designated one of the unit keys associated with said designated content management unit[0061, 0063-0064].

14. Benaloh does not disclose; however, Kang discloses to at least one of a plurality of different content reproduction section specification files, cause a selection of one of the plurality of content reproduction section specification files to be executed by the information processing apparatus[0018, 0040, 0045, 0051]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a content reproduction section specification file, and a content reproduction processing program file of Kang with Benaloh, because both are analogous in the art of copy protection, it would have been obvious to include a movie object on a medium that has a playlist, the motivation is that a DVD has clips that corresponds to a recording cell that is a recording unit and the playlist and the playitem correspond to a program and a reproducing cell that are reproduction units, thus the playlist that is linked to playitems is a portion of a clip that indicates starting and finishing times of reproduction in clip[0040-0041 of Kang].

15. As per claim 49, Benaloh discloses wherein at least one of the content management includes encryptable data corresponding to at least one of a plurality of different clip files[0061, 0063], the plurality of clip files including a plurality of content real data storage files, and wherein, when executed by the information processing apparatus, the plurality of instructions cause the information processing apparatus, for one of the plurality of content management units,

to: (i) cause a selection of one of the plurality of clip files to be reproduced by the information processing apparatus, and (ii) determine a designated one of the content management units and a designated one of the unit keys associated with the designated content management unit based on the selection of the clip file[0061, 0064, 0070-0071].

16. As per claim 50, Benaloh discloses wherein at least one of the content management units includes a first unit including the at least one content file, said first unit being encrypted based on a first one of the unit keys; and, said second unit being-encrypted based on a second, different one of the unit keys[0061, 0063, 0070]. Benaloh and Kang are silent on; however, Getsin discloses a unit including at least one of the an application execution file and the application index file(see col. 31, lines 1-11, 18-29). It would have been obvious to one of ordinary skill in the art at the time of the invention to include an application index file and an application execution file of Getsin with Benaloh-Kang combination, all three are analogous in the art of copy protection, the motivation to include a an application index file(i.e. title) and a application execution file of Getsin with Benaloh-Kang combination is that each portion of video to be unlocked can be authored into a separate title, thus when the consumer is allowed to unlock the video the video can be played(see col. 31, lines 1-11, 18-29 of Getsin).

17. Same Motivation as claim 44 see above. As per claim 51, Benaloh discloses wherein at least one of the content management units includes encryptable data corresponding to the content reproduction progressing program file[0061, 0063]. Benaloh and Kang are silent on the application execution file. Getsin discloses the application execution file(see col. 31, lines 1-11, 18-29).

18. Same Motivation as claim 44 above. As per claim 52, Benaloh discloses wherein at least one of the content management units includes encryptable data, a content reproduction processing file[0061, 0063]. Benaloh and Kang are silent; however, Getsin discloses an application execution file, and an application resource file associated with the execution of said application execution file(see col. 31, lines 1-11, 18-29 of Getsin).

19. As per claim 53, Benaloh discloses wherein at least one of the content management units includes encrptable data[0061, 0063]. Benaloh is silent on; however, Kang discloses corresponding to: the content reproduction section specification file, an AV stream file corresponding to real data of the content file to be referenced from said content reproduction section specification file[0040]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a content reproduction section specification file of Kang with Benaloh, the motivation is that the clip information specifies AV attributes of each clip and includes an entry point map that describes the positions of entry points[0040 of Kang]. Benaloh nor Kang disclose; however, Getsin discloses the application execution file, and an application resource file associated with the execution of said application execution file(see col. 31, lines 1-11, 18-29). It would have been obvious to one of ordinary skill in the art at the time of the invention to include an application resource file and an application execution file of Getsin with Benaloh-Kang combination, all three are analogous in the art of copy protection, the motivation to include a an application resource file and a application execution file of Getsin with Benaloh-Kang combination is that each portion of video to be unlocked can be authored into a separate title, thus when the consumer is allowed to unlock the video the video can be played(see col. 31, lines 1-11, 18-29 of Getsin).

20. As per claim 54, Benaloh discloses content management unit identification information, and unit key identification information associated with said content management[0061, 0063]. Benaloh does not disclose; however, Kang discloses which includes a management table associated with the plurality of the content management units, wherein for each one of the content management units, the management table includes setting unit information[0044-0045]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a management table of Kang with Benaloh, Getsin, the motivation is that multi-path presentation data can be read from consecutive areas of the information storage medium and reproduced[0046 of Kang].

21. As per claims 65, 75, Benaloh discloses wherein said unit key acquisition section is configured to detect a switch from a first content management unit to a second, different\_content management unit, and (ii) if the switch is detected, acquire the unit key associated with the second, different content management unit based on management table, the management table including unit setting unit information for each of the plurality of content management units, content management unit identification information for each of the plurality of content management units, and unit key identification information associated with each of the plurality of content management units[0063-0064-0065, 0074, 0078].

22. As per claims 66, 76, Benaloh discloses a renewal key information block processing section configured to decrypt a renewal key information block to obtain a media key\_the decryption based on a device key associated with a legal content use right of the information processing apparatus, said device key being associated with said identified content management unit[0098-0102].

23. As per claims 67, 77, Benaloh discloses wherein said renewal key information block processing section is configured to acquire the device key via communication with at least one of the information recording medium and a networked server[0077, 0083].

24. As per claims 68, 78, Benaloh discloses an authentication processing section configured to execute a plurality of instructions, wherein when executed by the authentication processing section, the plurality of instructions cause the authentication processing section to operate with the data processing section and the unit key acquisition section to authenticate a networked server;[0055, 0098-0102] and wherein, upon successful authentication of the networked server, the plurality of instructions when executed by at least one of said unit key acquisition section and said data processing section, cause at least one of said unit key acquisition section and said data processing section to acquire at least one of-one of the unit keys from said networked server; and (ii) one of a plurality of content use conditions from said networked server[0077, 0083].

25. As per claims 69, 79, 86, Benaloh discloses a renewal key information block processing section configured to execute a plurality of instructions, wherein when executed by the renewal key information block processing section, the plurality of instructions cause the renewal key information block processing section to decrypt a renewal key information block to acquire an authentication key for authenticating a networked server, the decryption of the renewal key information block being based on a device key associated with one of said content management units and a legal content use right of the information processing apparatus[0098-0102]; and an authentication processing section configured to execute a plurality of instructions, wherein when executed by the authentication processing section, the plurality of instructions cause the authentication processing section to operate with the data processing section and the unit key

acquisition section to authenticate the networked server based on the authentication key acquired from said renewal key information block; wherein, upon successful authentication of the networked server, the plurality of instructions when executed by at least one of said unit key acquisition section and said data processing section, cause at least one of said unit key acquisition section and said data processing section to acquire at least one of: the unit keys from the networked server and one of a plurality of content uses conditions from the networked server[0047, 0098-0102].

26. Claims 55-63, 70-73, 80-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benaloh(2005/0065890) in view of Kang(2008/0253734) and in view of Getsin et al(6,529,949) and further in view of Kamperman et al(2006/0212400).

27. As per claim 55, Benaloh, Kang, Getsin, does not disclose; however, Kamperman discloses which includes a status management table associated with the plurality of the content management units, wherein for each one of the content management units, the status management table includes status information for said content management unit, said status information being indicative of whether said content management unit has network independent status or network associated status[0060, 0086, 0088]. 0088]. It would have been obvious to one of ordinary skill in the art the time of the invention to include a status management table in which the network associated status is stored of Kamperman with the Benaloh-Kang-Getsin combination, because when accessing digital content at home it is harder to control illegally redistributing of the content[0008 of Kamperman], the motivation to include the status of network is that an authorized domain such as that disclosed in Kamperman is that within the authorized domain content is protected[0009 of Kamperman].

28. Same Motivation as claim 55. As per claim 56, Benaloh, Kang, Getsin, does not disclose; Kamperman discloses wherein, for each one of the content management units, said status management table includes at least initial status information for said content management unit[0064-0066, 0086].

29. As per claim 57, Benaloh, Kang, Getsin, does not disclose; Kamperman discloses wherein, for each one of the content management units, said status management table includes initial status information and current status information for said content management unit[0066, 0082, 0086, 0088]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include initial status information and current status information of Kamperman with Benaloh-Kang-Getsin combination, the motivation is that the transferable right can be transferred outside one domain to a different domain[0082 of Kamperman].

30. As per claims 58-59, Kang discloses wherein content use management information table[see fig. 5]. Benaloh, Kang, Gestin, does not disclose restriction information (i.e. usage rights)[0066-0069]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include storing restriction information of Kamperman with Benaloh-Kang-Gestin combination, the motivation is that usage rights authorizes a person to use a certain content right, and can also describe what a user is allowed to do with the content[0066 of Kamperman].

31. As per claim 60, Benaloh does not disclose; however, Kang discloses wherein, for each one of the content management units, said content use management information table includes information for indicating that content is subject to control based on operation control

information[0045-0046]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include content that is subject to control of Kang with Benaloh, Getsin, Kamperman combination, because it is a secure measure to indicate how to use the content, such that it control information places restrictions in order to protect content from unauthorized use.

32. Same Motivation as above(claim 60). As per claim 61, Kang discloses wherein said content use management information table includes information for specifying a server from which said operation control information is obtainable [0052-0053].

33. As per claim 62, Benaloh discloses copy processing content for copy processing in addition to the content files of the content management units[0061, 0070, 0074]. Benaloh, Kang, Gestin are silent on and streaming reproduction content for streaming reproduction in addition to the content files of the content management units. Kamperman discloses streaming reproduction content[0060]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include streaming reproduction content of Kamperman with Benaloh-Kang-Gestin combination, the motivation is that content can be received through a PC, and the source can be an Internet connection, streaming provides content in real-time[0060 of Kamperman].

34. Same Motivation as claim 62. As per claim 63, Benaloh discloses wherein the content file is associated with a first data format; said copy processing content is associated with a second data format[0074]. Benaloh is silent on; however, Kamperman discloses and the streaming reproduction content is associated with a third data format[0060]

35. As per claims 70, 80, Benaloh discloses the decryption of the content file of the content management unit based on the determination [0055, 0074]. Benaloh is silent on; however,

Kamperman discloses data processing section to determine whether said content management unit has network independent status or network associated status[0060, 0066-0069, 0086, 0088]. It would have been obvious to one of ordinary skill in the art the time of the invention to include the network associated status is stored of Kamperman with the Benaloh-Kang-Getsin combination, because when accessing digital content at home it is harder to control illegally redistributing of the content[0008 of Kamperman], the motivation to include the status of network is that an authorized domain such as that disclosed in Kamperman is that within the authorized domain content is protected[0009 of Kamperman].

36. As per claims 71, 81, Benaloh discloses wherein said data processing section causes the decryption of the content file based on a content use management information table which stores control information associated with each said content management unit[0063-0064, 0078].

37. As per claims 72, 82, Benaloh discloses wherein when executed by the data processing section, the plurality of instructions cause said data processing section to: (i) receive operation control information corresponding to at least one of the content files of the plurality of content management units stored in said information recording medium; and (ii) for at least one of the content management units, based on the received operation control information corresponding to the at least one content file of said content management unit, cause at least one of: (A) the data file of said content management unit to be reproduced; and (2) the program file of said content management unit to be executed[0065-0066, 0068].

38. As per claims 73, 83, Benaloh discloses the plurality of instructions cause said data processing section to: (i) notify a networked server of at least one of: an user identifier, an information processing apparatus identifier, and an information recording medium identifier; (ii)

receive, operation control information from said networked server based on the identifier notified to the networked server, based on the received operation control information, cause at least one of: (A) the data file of at least one of the content management units to be reproduced; and (2) the program file of at least one of the content management units to be executed[0065-0068].

***Response to Amendments***

39. A non-final rejection was mailed on 2/18/10 in which claims 44-86 were rejected. The Applicant filed a reply on 6/18/10 in which the Applicant amended all claims 44-86. Applicant's arguments filed 6/18/10 have been fully considered but they are not persuasive.

40. Claims 44-63 are still rejected under 101, see rationale above.

41. Applicant's arguments with respect to claims 44-86 have been considered but are moot in view of the new ground(s) of rejection.

***Final Necessitated by Amendment***

42. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENISE E. JACKSON whose telephone number is (571)272-3791. The examiner can normally be reached on Increased Flex time, but generally in the office M-Fri(8-4:30)..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2439